

C

1 CONFIDENTIAL TRANSCRIPT
2 CONTAINS HIGHLY CONFIDENTIAL INFORMATION
3 SUBJECT TO PROTECTIVE ORDER

- - -

4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

- - -

6 BABYAGE.COM, INC., : CIVIL ACTION
7 and THE BABY CLUB OF
8 AMERICA, INC.,
9 Plaintiffs :
10 vs.

11 TOYS "R" US, INC.,
12 d/b/a Babies "R" US :

13 DELAWARE, INC. ;
14 BABY BJORN AB ;

15 BRITAX CHILD SAFETY, :
16 INC. ; KIDS LINE,

17 LLC ; MACLAREN USA, INC. ;
18 PEG PEREGO U.S.A., INC., :

19 and REGAL LAGER, INC.,
20 Defendants

NO. 2:05-06792-AB

- - -

21 Oral deposition of DUNCAN J.
22 CAMERON, Ph.D., taken pursuant to Notice,
23 at the offices of Berger & Montague,
24 P.C., 1622 Locust Street, Philadelphia, PA,
25 on Wednesday, January 5, 2011, at 8:05 a.m.,
before Karyn M. Geftman, a Federally Approved
Registered Professional Reporter-Notary
Public, in and for the Commonwealth of
Pennsylvania.

- - -

26 VERITEXT NATIONAL COURT REPORTING COMPANY
27 MID-ATLANTIC DIVISION
28 1801 Market Street - Suite 1800
29 Philadelphia, Pennsylvania 19103

30

1 wrong.

2 **Q.** Do you recall which items in this
3 response to Interrogatory 7 you attempted to
4 test?

5 **A.** Yeah, they're essentially the same
6 ones that appear in the exhibit that I have
7 here. The things that could be checked were
8 prices where I could find the corresponding
9 product. There were some issues about what
10 they called them.

11 And, generally, the prices in
12 both Randazzo Exhibit 34 and Cameron Exhibit
13 6 were higher than what I saw in the data.

14 In Randazzo Exhibit 34, if I
15 can find my exhibit here, it talked about
16 follow-on sales -- yeah, here we go --
17 accessories; it was the last page of Appendix
18 1.

19 **Q.** Which is also the last page of your
20 report?

21 **A.** Yes, also the last page of my
22 report.

23 It makes some assertions
24 about additional purchases by a customer that
25 purchased either a Peg Perego high chair,

1 stroller, car seat, et cetera.

2 Those don't, I don't believe
3 those appear again in here. There are some
4 other numbers that I haven't verified, cannot
5 verify those.

6 But, in general, the Baby
7 Club data includes a customer number and if
8 one looks at all purchases by that customer
9 of the subject product and follow-on
10 products, you get the numbers that I have
11 here. So that rather than that customer
12 purchased, 50% of the customers purchasing at
13 least one high chair accessory, I only get
14 9%; as opposed to 50% of each stroller
15 purchaser purchasing another stroller
16 accessory I get .1%; as opposed to 65% of
17 purchases of car seats purchasing another Peg
18 Perego car seat accessory, I only get 13%.

19 So they're much lower and the
20 whole premise that, which you would have to
21 have that these are causally related and that
22 if you didn't make the car seat accessory you
23 wouldn't, the car seat sale you wouldn't make
24 the accessory sales needs to be proven to be
25 really relevant.

1 So basically everything in
2 here, with few exceptions, is unverifiable or
3 where it's verifiable doesn't appear to be
4 accurate. And I really don't know what to do
5 with it. It just, it seems to be made up
6 numbers.

7 **Q.** Looking at Appendix 1 of your report
8 where you set forth the results of a
9 comparison of Randazzo Exhibit 34 and the
10 numbers set forth therein with your analysis
11 of the data, is it safe to conclude that the
12 analyses that you -- excuse me, the numbers
13 that you set forth here, the items that you
14 set forth here are the entirety of the
15 assertions in Randazzo Exhibit 34 that you
16 were able to test?

17 **A.** Yeah, I believe that's right.

18 **Q.** So anything that's not included in
19 Appendix 1 was something that you were unable
20 to verify with the data?

21 **A.** Correct. Well, unable to even look
22 at, unable to examine what the data --

23 **Q.** Looking at this Appendix 1, or --
24 yes, Appendix 1, it looks like you did not,
25 when were you looking at add-on products, you